

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS W. LANG,

Petitioner,

No. CIV S-05-0063 DFL GGH P

vs.

CHARLES HARRISON, Warden,¹

Respondent.

ORDER

A joint scheduling statement in this matter was filed on April 22, 2005, pursuant to the court's order filed February 8, 2005.² Within the statement, petitioner's counsel indicated that an amended petition of exhausted claims only would likely be filed, and an amended petition has since been filed. After reviewing the joint statement and having received the amended petition on which petitioner elects to proceed containing exhausted claims only, the court issues the following ORDERS:

1. Should petitioner seek discovery, petitioner's counsel must move for leave to

¹Petitioner has informed the court that petitioner is now incarcerated at California State Prison, Los Angeles. Amended Petition, p. 2. The court has therefore substituted Charles Harrison for Russell Hom as respondent.

²Petitioner's counsel was substituted in by order filed March 2, 2005; the court granted petitioner's counsel's request for an extension of time to file a joint scheduling statement by order filed on April 26, 2005.

1 conduct discovery under the Rules Governing Section 2254 Cases, Rule 6, within thirty days;
2 respondent must file and serve any opposition within thirty days thereafter; any reply must be
3 filed and served within fifteen days of service of the opposition;

4 2. If petitioner seeks an evidentiary hearing, petitioner must file and serve a
5 motion clarifying the basis upon which such a hearing is warranted within sixty days; respondent
6 must file and serve any opposition within thirty days thereafter; any reply must be filed within
7 fifteen days of service of the opposition;

8 3. Respondent is directed to file a response to petitioner's amended habeas
9 petition within ninety (90) days from the date of this order; if the response to the amended habeas
10 petition is an answer, petitioner's reply, if any, shall be filed and served within thirty days after
11 service of the answer;

12 4. If the response to petitioner's amended habeas petition is a motion, petitioner's
13 opposition shall be filed and served within thirty days of service of the motion, and respondent's
14 reply, if any, shall be filed and served within fifteen days thereafter; and

15 5. The Clerk of the Court is directed to substitute the name of Charles Harrison
16 for Russell Hom as respondent in the docket of this case.

17 DATED: 5/31/05

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19 /s/ Gregory G. Hollows

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21 GREGORY G. HOLLOWS
22 UNITED STATES MAGISTRATE JUDGE

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